



CRM-M-64261-2024

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-64261-2024

Date of Decision: 08.07.2025

Gurpartap Singh

..... Petitioner

Versus

Rajbir Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kanwaljeet Singh, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS for quashing/setting aside the impugned order dated 10.08.2021 (Annexure P-2) passed by learned Chief Judicial Magistrate, Gurdaspur vide which the petitioner was directed to pay interim maintenance to respondent under the Protection of Women from Domestic Violence Act, 2005 and also the order dated 25.08.2022 (Annexure P-3) passed by learned Addl. Sessions Judge, Gurdaspur vide which appeal of the petitioner was dismissed and with a further prayer to stay the proceedings of execution application (Annexure P-6) pending in the Court of learned CJM, Gurdaspur during the pendency of the present petition.

2. Learned counsel for the petitioner submitted that earlier when the petitioner had filed a petition before this Court in CRM-M-11609-2023, it was disposed of vide Annexure P-4 on 09.03.2023 and liberty was granted to the petitioner to move an appropriate application before the trial Court seeking modification of the order granting interim maintenance to the respondent/wife. He further submitted that thereafter vide Annexure P-5, the petitioner had moved an application for modification of the order in

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pursuance of the liberty granted by this Court as aforesaid and this application was filed on 06.04.2023 but till date the aforesaid application for modification of the order granting interim maintenance has not been decided and submitted that the petitioner will be satisfied in case any direction is issued to learned trial Court to decide the aforesaid application within the reasonable time period.

3. I have heard the learned counsel for the petitioner.

4. The only prayer of the petitioner is that in pursuance of the liberty granted by this Court vide Annexure P-4, the petitioner had moved an application for modification of the order granting interim maintenance to the respondent/wife but as per the learned counsel for the petitioner, the same has not been decided till date despite the fact that more than two years have elapsed. Therefore, this Court is of the considered view that the present petition can be disposed of even without issuing notice to the respondent because of the aforesaid limited prayer made by the learned counsel for the petitioner.

5. Considering the aforesaid facts and circumstances, the present petition is disposed of with a direction to learned trial Court where the petition filed by the respondent/wife is pending to consider and decide the application for modification of the order of interim maintenance, if any, filed by the petitioner within a period of two months from today.

6. A copy of this order be sent to the concerned trial Court.

08.07.2025*Bhumika***(JASGURPREET SINGH PURI)****JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No